

## **REMARKS**

The Examiner is thanked for the thorough examination of the present application. The Examiner is also thanked for conducting a teleconference with the Applicant's Attorney on Monday, December 18, 2006. During the telephone conference, the current amendments to the claims were discussed in greater detail. The Applicant has amended independent Claims 1, 12 and 21 to further define the clip member. More specifically, the side member of the clip member is now further defined to note that it extends downwardly from the top member to be adjacent the sidewalls of the container when the container closure cap is positioned thereon.

The Applicant has also amended Claims 2 and 28 to correct some minor informalities. The Applicant has further amended some minor informalities in the specification, as indicated above. The arguments supporting patentability of the presently claimed invention, as amended, are found below.

### **I. The Invention**

The invention, as recited, for example, in amended independent Claim 1, is directed to a container closure cap system. The container closure cap system comprises a container having a bottom surface, sidewalls extending upwardly therefrom, and a top surface opposite the bottom surface. The top surface has an opening formed therein. The system also includes a container closure cap matingly connected to the container. The container closure cap comprises a lower retaining member, an upper cover member detachably connected to the lower retaining member, and a clip member connected to the lower retaining member. The clip member has a top member extending outwardly from an outer periphery of the lower retaining member, and a side member connected to and extending downwardly from the top member. More specifically, the side member is positioned to extend below the top member adjacent

the sidewalls of the container and below the top surface of the container.

The invention, as recited, for example, in amended independent Claim 12, is directed to a closure cap comprising a lower retaining member, an upper cover member detachably connected to the lower retaining member, and a clip member connected to the lower retaining member. The clip member comprises a top member extending outwardly from an outer periphery of the lower retaining member, and a side member connected to and extending downwardly from the top member. More specifically, the side member is positioned to extend below the top member and to be positioned adjacent sidewalls of a container when the container closure cap is positioned thereon.

A method aspect of the invention is recited, for example, in independent Claim 21. The method is for using a container closure cap, and comprises matingly connecting the container closure cap to a top surface of a container to thereby cover an opening in the top surface of the container. The container closure cap comprises a lower retaining member, an upper cover member detachable connected to the lower retaining member, and a clip member connected to the lower retaining member. The clip member comprises a top member extending outwardly from the lower retaining member and a side member connected to and extending downwardly from the top member to be positioned adjacent the sidewalls of the container and below a top surface of the container. The method also includes detaching the upper cover member from the lower retaining member so that the opening in the top surface of the container is exposed and the lower retaining member having the clip member connected thereto remains engaged with portions of the container when the opening in the top surface of the container is exposed.

**II. The Claims Are Patentable Over U.S. Published Patent Application No. 2002/0084240 by Yu-Hsien.**

The Examiner rejected independent Claims 1, 12 and 21 as being unpatentable over the Yu-Hsien '240 published patent application. More specifically, the Examiner contended that the Yu-Hsien '240 published patent application disclosed the elements of the claimed invention. The Applicant respectfully disagrees with the Examiner, and contends that the claimed invention defines over the Yu-Hsien '240 published patent application. Independent Claims 1, 12 and 21 have, however, been amended to further define the claimed invention over the Yu-Hsien '240 published patent application.

The Yu-Hsien '240 published patent application discloses a pull-up ring connected to a closure cap to allow a user to carry a bottle. The Yu-Hsien '240 published patent application specifically discloses that the pull-up ring extends horizontally outwardly in a flat form, and can be bent upwardly to allow a user to carry the bottle. The Yu-Hsien '240 published patent application, however, fails to disclose a container closure cap having a lower retaining member, an upper cover member detachably connected to the lower retaining member, and a clip member connected to the lower retaining member. The Yu-Hsien '240 published patent application further fails to disclose that the clip member includes a top member extending outwardly from an outer periphery of the lower retaining member, and a side member connected to and extending downwardly from the top member so that the side member is positioned to extend below the top member adjacent the sidewalls of the container and below the top surface of the container.

Accordingly, Applicant respectfully asserts that the presently claimed invention, as recited in amended independent Claims 1, 12 and 21, defines over the Yu-Hsien '240 published patent application. The dependent claims, which recite yet further

distinguishing features, are also patentable, and require no further discussion herein.

**CONCLUSION**

In view of the arguments provided herein, and the amendments to the claims, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that the foregoing Amendment is being deposited via the United States Postal Service as First Class mail and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 20th day of December, 2006.



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